

This record is a partial extract of the original cable. The full text of the original cable is not available.

160545Z May 05

UNCLAS SECTION 01 OF 02 YEREVAN 000856

SIPDIS

SENSITIVE

DEPT FOR DRL AND EUR/CACEN

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [AM](#)

SUBJECT: ARMENIA: CONSTITUTIONAL AMENDMENTS MOVING FORWARD IN PARLIAMENT

¶1. (U) Sensitive but unclassified. Please protect accordingly.

SUMMARY

¶2. (SBU) In a May 11 extraordinary session, Armenia's parliament passed -- in the first reading -- the ruling coalition's draft amendments to the constitution. Armenia has been under pressure from the international community to strengthen democratic institutions. The amendments do not fully comply with the Council of Europe's recommendations, but the draft is still open for amendment until it passes a second reading. Parliament Speaker Baghdasarian told the press that he anticipated further consultations with the CoE's Venice Commission before a second reading, which would likely take place in June. FM Oskanian pledged that Armenia will "fulfill its requirements" by the end of the year. The opposition continues its boycott of the national assembly and did not participate in debates on the new constitution. End Summary.

COALITION'S VERSION FIRST OUT OF THREE

¶3. (SBU) It came as no surprise that the ruling coalition's version of constitutional amendments was the one to move forward in the legislative process in Armenia's parliament on May 11. Three sets of draft amendments to the constitution had been circulating for comment. In second place was a pro-business draft put forward by the United Labor Party (the "loyal opposition," not part of the coalition, but still participating in parliament), but since the ULP has only six seats in the Assembly, it garnered little support. Coming in a distant third was a draft put forward by opposition parliamentarian, Arshak Sadoyan. The coalition draft won an expected clear majority in the National Assembly with 77 MPs voting for it, and 8 against it. Opposition parliamentarians did not participate in the vote, continuing their boycott of parliamentary sessions begun in early 2004. As a next step, the approved draft will be presented to the Venice Commission of the Council of Europe (CoE) for a final examination before the second reading.

FULFILLING COE REQUIREMENTS

¶4. (SBU) The Council of Europe has required that Armenia amend its current Constitution in order to comply with its CoE commitments. The process has been delayed for several years, with the next CoE deadline for conducting the referendum scheduled for June 2005. In the end of April the head of the Armenian delegation to the Parliamentary Assembly of the CoE (PACE) Tigran Torosyan promised that the referendum on the Constitution will take place in the end of July or beginning of August. In comments to the press on May 12, Parliament Speaker Artur Baghdasarian was less specific, and told the press that the referendum would more likely take place "in the Fall," and that more consultations with the Venice Commission were expected before the draft was submitted for the next vote. According to press reports, FM Oskanian said that "Armenia would fulfill the CoE requirements" by the end of 2005.

PRESIDENTIAL POWERS REMAIN STRONG

¶5. (SBU) The Venice Commission had already made

interim recommendations on all the three drafts. While some changes were made to the approved draft, it still falls short of CoE requirements. For example, the current draft does not provide adequate checks and balances between the branches of power, and in fact increases the President's authority, raising concerns among Armenia's human rights activists. The draft would authorize the President to appoint the Prosecutor General and his deputies without the Prime Minister's nomination, the President could suspend any governmental decision by requesting an advisory opinion by the Constitutional Court, and the President would retain the right to appoint and dismiss regional Governors and the Yerevan mayor.

16. (SBU) Some proposed changes include: increasing National Assembly terms from four to five years (leaving the number of MPs at 131); granting the National Assembly the authority to appoint the Human Right Ombudsman; expanding the list of entities that can apply to the Constitutional Court to include individuals, representatives of Local Self-Governance bodies and the Ombudsman; clearly defining the constitutional ban on the death penalty; and removing the ban from dual citizenship.

COMMENT: NOW IS THE TIME TO SPEAK UP

17. (SBU) While this draft is clearly not all that the CoE or we were hoping to see, now is the time when our comments could have the greatest effect, during the anticipated four-week period between the first and second readings of this constitutional draft.

Pointed, well-crafted interventions by international players and representatives of civil society could have a positive effect at this stage. We will be taking advantage of every opportunity to press the GOAM to strengthen checks on executive authority and anticipate that engaged international interlocutors could make a genuine difference in the process.

EVANS